



Office of the Inspector General

David R. Shaw, Inspector General

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Contact:

Laura Hill

(916) 830-3600

Special report finds fault in parolee arrest tactics used by the Department of Corrections and Rehabilitation

SACRAMENTO—The Office of the Inspector General—the watchdog for the state's Department of Corrections and Rehabilitation (CDCR)—substantiated the findings of a deadly force review board following an incident last year in which a parole agent shot at a fleeing parolee, risking the lives of police officers who were in the line of fire.

The special report released today by the Inspector General's Bureau of Independent Review examines the circumstances surrounding the incident, as well as the department's response. Inspector General David Shaw concurred with the board's finding that the parole agent used flawed operational tactics, which endangered the lives of other officers. The Inspector General also agreed that the department failed to properly review the shooting.

"I urge the department to use this incident as a wake-up call to improve field operations," said Shaw. "The department must address these recommendations and begin to follow standard law enforcement practices before a law enforcement officer or member of the public is harmed."

In May 2007, a plainclothes parole agent joined other parole agents and uniformed police officers to arrest a parolee at a hotel. The parole agents were present strictly to provide surveillance of the parolee. However, one parole agent acting on his own initiative confronted and chased the armed parolee through the hotel parking lot. The parole agent fired one shot at the parolee when the parolee displayed a handgun during the chase. The shot missed the parolee and several police officers who were running to apprehend the parolee. The parole agent placed the police officers and himself in danger because the police officers were in the direct line of fire and some of the police officers did not know the plainclothes parole agent was a peace officer.

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The special report also found that within 24 hours of the incident, the CDCR cleared the parole agent of any wrongdoing based solely on the agent's own account of the shooting. In doing so, the department ignored conflicting accounts by the uniformed police officers involved who criticized the agent's tactics; instead, the department praised his "excellent judgment."

In contrast, the department's own deadly force review board of law enforcement experts found several areas for improvement. The board urged the department to learn from the mistakes made during the shooting and improve its operational tactics in the future. The board also criticized the department for concluding that the use of force was appropriate before a substantial investigation had been completed and for failing to ensure that a criminal investigation of the incident took place.

The Inspector General's Office independently verified the board's conclusions and identified another area of concern: the parole agent should not have been involved in the parolee's interview following his arrest because it could have jeopardized the criminal case against the parolee.

The CDCR concurred with all the recommendations contained in the Inspector General's special report. According to Thomas Hoffman, director of Adult Parole Operations, the department will "use this incident as a learning and training opportunity to improve future field arrest tactics." Hoffman further stated, "I am committed to reviewing all of the recommendations from the [Office of Internal Affairs and Bureau of Independent Review] and modifying current policy and procedures that are not consistent with best practices used in law enforcement."

The special report may be viewed and downloaded from the Office of the Inspector General's Web site at <http://www.oig.ca.gov/>.

The Office of the Inspector General is an independent state agency responsible for oversight of the CDCR. The Bureau of Independent Review—the entity created inside the Office of the Inspector General to monitor internal affairs investigations in the state's correctional system—was established under California Penal Code section 6133.

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